

April 12, 2002

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO OPPOSE SB 1521 (KUEHL) - LAND USE PLANNING ORDINANCE (ITEM NO. 12, AGENDA OF APRIL 16, 2002)

Item No. 12 on the April 16, 2002 Agenda is a motion by Supervisor Knabe to oppose SB 1521 (Kuehl) which, as amended on April 1, 2002, would require the Governor's Office of Planning and Research (OPR) to develop a model zoning ordinance and then determine if local agencies conform to the ordinance. Local agencies that conformed would receive priority consideration for state competitive grants.

Currently, every county and city must adopt a General Plan, a long-range comprehensive policy to guide the development of an area. The Department of Regional Planning serves as the planning agency for the unincorporated area of Los Angeles County and is the lead department for creating and up-dating its General Plan. According to the Department of Regional Planning, the unincorporated area is a highly diverse planning environment, necessitating a complex approach to planning. The County's General Plan has many components and levels of detail including: eleven chapters and elements, three area plans, three coastal zone land use plans, seven community and neighborhood plans, four specific plans that promote development of planned communities, and fourteen community standards districts to address diverse planning issues at the community level.

SB 1521 would require OPR to consult with persons and organizations knowledgeable in local government, environmental protection, development, and business to create a state model zoning ordinance that encourages economically, socially, and environmentally sustainable land use. The model zoning ordinance is intended to promote concepts such as mixed use,

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pedestrian traffic, mass transit, infill development, protection of open space and agricultural land, transit oriented development, and housing options. OPR would be required to review and update the state model zoning ordinance and to review the use and implementation of the state model zoning ordinance by cities and counties once every five years.

SB 1521 would also require any state agency or department with the authority to award competitive grants to cities or counties to include their implementation of the state model zoning ordinance as a factor in awarding competitive planning grants for infrastructure, housing, commercial or industrial development or other economic development grants. A county or city that adopted the model zoning ordinance could receive points up to 10 percent of the total point scale.

The Department of Regional Planning opposes SB 1521 because it would give the state authority over land use planning by cities and counties, and fails to appreciate the complexity of drafting a single model ordinance for all cities and counties. Regional Planning also notes that there are no provisions for city or county participation in creating the model ordinance and there is no appeal process once the model ordinance is completed. OPR could even create the model zoning ordinance without public hearings.

The Community Development Commission (CDC), which also reviewed SB 1521, concluded it was difficult to determine the bill's impact because of its lack of specificity. However, they noted that the County should have an active role in drafting the model ordinance and that the bill should require a public comment period before its adoption.

Regional Planning and CDC oppose SB 1521 because it would reduce local control and could disadvantage the county when applying for state competitive grants, and we concur. Opposing SB 1521 is consistent with prior Board Policy to oppose legislation that infringes upon county board of supervisors' local land use decision-making authority.

SB 1521 is supported by the American Planning Association-California Chapter, Planning and Conservation League, Genentech Inc., and the Sierra Club-California. It is opposed by the California Building Industry Association. It is set for hearing on April 24, 2002 in the Senate Local Government Committee.

DEJ:GK
JL:md

c: Executive Officer, Board of Supervisors
County Counsel